

## **REMARKS**

In accordance with the foregoing, claims 1, 20, and 23 have been amended. Claim 24 has been added. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-3 and 6-24 are pending and under consideration. Reconsideration is requested.

### **Claim Amendments**

Claim 1 is amended herein to recite an input device "wherein a plurality of input parts for inputting information are accommodated in a housing thereof, said input device comprising: an antenna arranged at an upper surface inside said housing and emitting a radio wave based on input information generated by at least one of said input parts, wherein said housing comprises: a case including a first of the plurality of the input parts, and a first detachable upper cover that is swappable with a second detachable upper cover, wherein said antenna is arranged inside each of said detachable upper covers at an uppermost portion of the housing, and a second of the plurality of said input parts is arranged on each of said detachable upper covers." Support for the amendments is found for example in Fig. 9 illustrating an input part keytop 35 and another input part in the case, e.g., ball 34. Claims 20, and 23 are similarly amended herein.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

### **Traverse of Rejections**

In item 2 of the Office Action, the Examiner rejects independent claims 1, 11, 20, and 23 (and dependent claims 2-3, 6-10, 12-20, and 21-22) under 35 U.S.C. §103(a) as being unpatentable over Thompson et al (U.S.P. 5,809,433) in view of Rudisill et al. (U.S.P. 6,272,324) and Stephenson et al. (U.S.P. 6,227,872), and in item 3 of the Office Action rejects claims 1-3 and 6-23 under 35 U.S.C. §103(a) as being unpatentable over Ying et al. (U.S.P. 6,442,400) in view of Rudisill and Stephenson. The rejections are traversed.

#### **I. Traverse Of Independent Claim 11 (and dependent claims 12-13 and 17-19)**

Independent claim 11 recites a wireless input device to be manipulated by a user via an input part and, wherein the input device comprises:

- a) "a case;" and
- b) "a first detachable upper cover that is connectable to the case to form an inside volume that is swappable with a second detachable upper cover;" and
- c) "an antenna, which is located at an uppermost portion of the inside volume, to

wirelessly transmit a radio wave that comprises coordinate data to a receiving unit that is connected to a processing unit and detachable from the case along with each of the detached upper covers,"

d) "wherein said input part is arranged on the first detachable upper cover."

Applicant submits that the Examiner's assertion in support of the rejection of claims 11-13 and 17-19 are in error.

Applicant submits that none of the art, alone or in *arguendo* combination, teach a wireless input device including "an antenna, which is located at an uppermost portion of the inside volume, to wirelessly transmit a radio wave that comprises coordinate data to a receiving unit that is connected to a processing unit and detachable from the case along with each of the detached upper covers," (emphasis added) as recited by claim 11.

Further, the Examiner has not provided any support whatsoever that this feature of transmitting coordinate data is taught by any of the cited art, alone or in combination.

Further, Applicant submits that one of ordinary skill in the art would have modified Thompson or Ying that teach telephone type devices to transmit coordinate data.

#### **Summary**

Since features recited by independent claim 11 (and dependent claims 12-13 and 17-19) are not taught by even an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 11 (and dependent claims 12-13 and 17-19) allowed.

#### **II. Traverse Of Independent Claim 1, 20, and 23 (and dependent claims 2-3, 6-10, 14-16 and 21-22)**

Independent claim 1, as amended herein, recites an input device:

a) "wherein a plurality of input parts for inputting information are accommodated in a housing thereof, said input device comprising:"

b) "an antenna arranged at an upper surface inside said housing and emitting a radio wave based on input information generated by at least one of said input parts(emphasis added),"

c) wherein said housing comprises:

c1) "a case including a first of the plurality of the input parts (emphasis added)," and

c2) "a first detachable upper cover that is swappable with a second detachable upper cover,"

c3) "wherein said antenna is arranged inside each of said detachable upper covers at an uppermost portion of the housing," and

c4) "a second of the plurality of said input parts is arranged on each of said detachable upper covers (emphasis added),"

"wherein the input device further comprises:"

d) "a communicating part provided to said case and supplying a transmission signal to said antenna (emphasis added)," and

e) "wherein said antenna is detachably connected to said communicating part by a connector and detachable from the case along with each of the detached upper covers." Claims 20 and 23 recite similar features.

The Action concedes that neither Thompson nor Ying teach:

a detachable upper cover and a detachable antenna and the input part is arranged on each of the detachable upper covers.

(Action at pages 3 and 6).

The Examiner asserts that Stephenson teaches an input part (keypad, 20) and it would have been obvious to have modified either Thompson or Ying with the teaching of Stephenson "so a user could input data in the input device in a close position." (Action at pages 3 and 6).

Applicant submits that none of the cited art, alone or even in *arguendo* combination, teach an input device including a first input part on a case and another input part on another cover and with an antenna transmitting data from both of the input parts. Further, one of ordinary skill in the art recognizes that these elements in combination do not merely perform the function that each element performs separately.

By contrast, Stephenson teaches a single input part (keypad, 20) on a cover.

Applicants submit that none of ordinary skill in the art would not have modified either Thompson or Ying to include another input part on another cover and with an antenna transmitting data from both of the input parts.

#### **Further Traversing Rejection of Dependent Claim 7-10**

The Action concedes that neither Thompson nor Ying teach a specific common standard wireless transmitting techniques such as Amplitude Shift Keying (ASK), Frequency Shift Keying (FSK), Phase Shift Keying (PSK) and Spread Spectrum Communication (SSC). (Action at page 4 and 7).

However, in support of the rejections of claims 7-10, the Examiner asserts:

[S]ince he (Thompson or Ying) does perform a wireless transmission it is clear he must use some modulation technique and the specific transmitting technique used is clearly not critical to the practice of either Thompson et al (or Ying) or

Applicant... it would have been obvious . . . to use any common standard wireless modulation techniques, because Thompson et al (or Ying) gave no indication that the particular common standard wireless modulation technique use would be critical to practice of his invention and again one is always motivated to use standard excepted [sic] practices where ever details are missing when implementing the Thompson's (or Ying) invention.

(Emphasis added, Action at page 4 and 7).

Applicant submits that the Examiner's assertions in support of the rejection of dependent claims 7-10 are in error. In support of the rejection of claims 7-10, the Examiner is in essence arguing that since Thompson and Ying do not teach a specific technique it follows that the specific techniques are obvious. Applicant submits this argument is in error.

Following the Examiner's logic, any art that does not teach a method of transmission could be used in support of the rejection, and that is clearly not the case.

Further, claims 7-10 each recite a separate method of communication. Applicant submits that the Examiner has erred substantively as to the factual findings in asserting that claims 7-10 are one claim reciting any one of Amplitude Shift Keying or Frequency Shift Keying method or Phase Shift Keying method. or Spread Spectrum Communication method.

That is, claims 7-10 recite four distinct embodiments of the present invention. Accordingly, Applicant submits that the Examiner's statement that the specific technique is "not critical" is in error and unsupported.

As stated by the Supreme Court, *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements." As relied upon in the KSR decision, any underlying obvious to try rationale still requires evidence in the record of the same."

Applicant submits that the Examiner's assertions in support of the rejection of claims 7-10 are mere conclusory statements.

### **Summary**

Since features recited by independent claim 1, 20, and 23 (and dependent claims 2-3, 6-10, 14-16 and 21-22) are not taught by even an arguendo combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 1-3, 6-10, 14-16, and 20-23 allowed.

### **New Claim**

New dependent claim 24 recites features of the present invention in a different fashion. Claim 24 recites an input device "wherein one of said input parts is a ball."

Support for claim 24 is found for example on Fig. 9, e.g., ball 35 of the specification. No

new matter is presented in any of the foregoing and, accordingly, approval and entry of the new claim are respectfully requested.

These, and other, features of claim 24 patentably distinguish over the art relied upon by the Examiner, and they are submitted to be allowable for the recitations therein.

**Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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